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6                   **UNITED STATES DISTRICT COURT**  
7                   **WESTERN DISTRICT OF WASHINGTON**  
8                   **AT SEATTLE**

9                   UNITED STATES OF AMERICA,

10                  Plaintiff,

11                  Case No. CR06-353-RSL

12                  v.

13                  ROBERT ERSKINE LEWIS, JR.,

14                  Defendant.

15                   **PROPOSED FINDINGS OF FACT**  
16                   **AND DETERMINATION AS TO**  
17                   **ALLEGED VIOLATIONS OF**  
18                   **SUPERVISED RELEASE**

19                   **INTRODUCTION**

20                  I conducted a hearing on alleged violations of supervised release in this case on March 15,  
21                  2012. The defendant appeared pursuant to warrant issued in this case. The United States was  
22                  represented by James Osterle, and defendant was represented by Lynn Hartfield. Also present  
23                  was U.S. Probation Officer Sarah Johnson. The proceedings were digitally recorded.

24                   **SENTENCE AND PRIOR ACTION**

25                  Defendant was originally sentenced on April 6, 2007, by the Honorable Robert S. Lasnik for  
26                  Felon in Possession of a Firearm. He received 24 months of detention and 3 years of supervised  
27                  release.

28                  On June 15, 2009, a Report on Offender under Supervision was submitted to the Court to  
29                  advise of Mr. Lewis's alleged association with a felon on or about May 24, 2009, and his failure

1 to notify the probation officer of law enforcement contact on or before May 27, 2009. No action  
2 was recommended at that time and Mr. Lewis was referred to Moral Reconation Therapy (MRT).

3 On July 9, 2010, for violations that included failing to notify of law enforcement contact,  
4 failing to notify of change in residence, and failing to submit monthly reports, a violation report  
5 and request for warrant was submitted of the Court. On September 8, 2010, the Court revoked  
6 Mr. Lewis's supervised release and imposed a sentence of time served (12 days) to be followed  
7 by 35 months of supervised release. Among the special conditions ordered was Mr. Lewis's  
8 placement in the Location Monitoring Program for a period of 120 days. Mr. Lewis commenced  
9 this term of supervised release on September 8, 2010.

10 On January 13, 2011, for violations that included failing to report to the probation officer  
11 and for failing to report for drug testing as directed, a violation report and request for warrant  
12 was submitted to the Court. On July 22, 2011, the Court revoked Mr. Lewis's supervised release  
13 and imposed a sentence of 60 days detention to be followed by 18 months of supervised release.  
14 Among the special conditions ordered was up to 120 days placement at a Residential Reentry  
15 Center. Mr. Lewis commenced his term of supervised release on August 19, 2011.

16 **PRESENTLY ALLEGED VIOLATIONS**

17 In a petition dated March 5, 2012, U.S. Probation Officer Thomas J. Fitzgerald alleged that  
18 defendant violated the following conditions of supervised release:

19 1. Failing to report to the probation officer as directed on January 30, 2012, in  
20 violation of standard condition number two of his supervised release.

21 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

22 Defendant admitted the above violation, waived any hearing as to whether it occurred, and  
23 was informed the matter would be set for a disposition hearing on March 29, 2012 at 10:30 a.m.

1 before District Judge Robert S. Lasnik.

2                   **RECOMMENDED FINDINGS AND CONCLUSIONS**

3       Based upon the foregoing, I recommend the court find that defendant has violated the  
4 conditions of his supervised release as alleged above, and conduct a disposition hearing.

5       DATED this 15th day of March, 2012.

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8                   BRIAN A. TSUCHIDA  
9                   United States Magistrate Judge  
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